

# EXHIBIT I

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

DANIEL LOVELACE, and )  
HELEN LOVELACE, )  
Individually, and as Parents )  
of BRETT LOVELACE, deceased, )

Plaintiffs, )

vs. )

No. 2:13-cv-02289-SHL-dkv

PEDIATRIC )  
ANESTHESIOLOGISTS, P.A.; )  
BABU RAO PAIDIPALLI; and )  
MARK P. CLEMONS, )

Defendants. )

VIDEOTAPED DEPOSITION OF:

JASON D. KENNEDY, M.D.

NASHVILLE, TENNESSEE

WEDNESDAY, JUNE 25, 2014

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FILE NO.: A80609D

1 too.

2 Q Okay. Then --

3 A We've lost the order --

4 Q But you're not --

5 A Sorry.

6 Q Yeah, but you're not saying that a  
7 patient has a compromised airway if they are lying with  
8 their face turned to the side, are you?

9 A Compromised diaphragm. So they can't  
10 take normal tidal volumes, especially a child of his  
11 size.

12 Q Okay. Well, are you saying then that  
13 this patient had a compromised airway for the ninety  
14 minutes that he is in the ICU -- I mean PACU.

15 A Compromised diaphragm. His ability to  
16 ventilate was not preserved, as evidenced by the fact  
17 that his CO2 was over 100.

18 Q Okay. And would Nurse Kish be expected  
19 to monitor that?

20 A Well, she wouldn't have a way to monitor  
21 directly his CO2, per se, as we discussed already.

22 Q But I'm talking about the airway. Isn't  
23 she charged with monitoring the airway?

24 A Yes, sir.

25 Q Okay. And so presumably she was

1 monitoring it, and if there had been a problem with  
2 that, then she should have called somebody or done  
3 something about it.

4 MR. LEDBETTER: Object to the form.

5 BY MR. JOHNSON:

6 Q Is that true?

7 A I'm sorry. Repeat one more time.

8 Q Is it your opinion that if she was  
9 monitoring the airway and there was a problem with the  
10 airway, then she should have done something about it or  
11 called someone to do something about it?

12 A I think that's an accurate statement,  
13 yes, sir.

14 Q You're not able to say -- between the  
15 time that you say he was extubated too soon and the  
16 time of the code, you're not able to say in that time  
17 frame when, let's say, the die was cast --

18 A Yeah, that would be --

19 Q -- and could not be resuscitated or  
20 salvaged; is that correct?

21 A That would be conjecture.

22 Q Is that correct?

23 A That is -- would be conjecture.

24 Q Okay. You can't put a time --

25 A No, sir, you cannot.